

REMARKS

The Examiner has required an election in the present application between:

Species 1, Embodiment 1;

Species 2, Embodiment 2; and

Species 3, Embodiment 3; and

Species 4, Embodiment 4; and

Species 5, Embodiment 5; and

Species 6, Embodiment 6; and

Species 7, Embodiment 7; and

Species 8, Embodiment 8; and

Species 9, Embodiment 9.

For the purpose of examination of the present application, Applicants elect Species 8, Embodiment 8, with traverse.

Claim 17 is directed to the elected species.

The Examiner required an Election of Species, alleging that the species listed in the Office Action did not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features. Applicant respectfully traverses this requirement.

First, Applicants respectfully submit that the Examiner's election of species requirement is incomplete. The Examiner initially alleges that embodiments 1 through 9 correspond to 9 distinct species. (*See page 2, section 1 of the Election/Restrictions Requirement.*) However, the Examiner then alleges that the species involve still and moving images where embodiments 1-6 correspond to still image and embodiment 7 correspond to moving image. (*See page 3, section 3 of the Election/Restrictions Requirement.*) Thus, it is not clear how many distinct species are alleged by the Examiner. In addition, the Examiner has failed to explain how the embodiments directed to moving or still image are deemed to lack unity of invention. Thus, if this species requirement is maintained by the Examiner, a clear explanation of how these embodiments directed to moving or still image are deemed to lack unity of invention is respectfully requested.

Second, the requirement that all species in an application must form a single general inventive concept does not mean that all independent claims must share all technical features. In cases where there are alternative solutions to a particular problem, and where it is not appropriate to cover these alternatives by a single claim, it is within the rules of the PCT to cover these alternatives with multiple independent claims.

According to PCT Rule 13.2, Rule 13.1 "shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features" (cf. 37 C.F.R. §1.475(a)). The special technical features are the features that define the contribution the invention makes over the prior art.

In other words, Rule 13.2 demands that some features must be common to all species of the invention, not that all features are common.

In the present case although some technical features are not shared by all the species of the invention, all species, however, share a number of features that represent the same inventive concept, including at least one variable-length encoder/decoder.

The several species represent embodiments of increasing complexity, where the interrelationship of the various parts are of such a nature that they cannot easily be represented as

alternatives within a single independent claim or as several dependent claims referring back to one common dependent claim. However, the examiner has failed to show that the number of common features and the overall design and functionality of the several embodiments are insufficient for linking them together as alternative embodiments of one inventive concept within the meaning of PCT Rule 13.1.

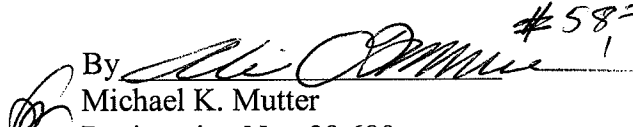
Based on the above discussion, Applicant respectfully submits that the Examiner has not met his burden and has not established the absence of a "technical relationship among the inventions that involves at least one common or corresponding special technical feature", as required by MPEP 1893.03(d). Consequently, Applicant respectfully requests that the election requirement be withdrawn.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam, Registration No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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